

Remarks/Arguments:

Claims 1-22 are pending in the above-identified application. New claims 23 and 24 have been added.

Claims 1-22 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Gordon et al. and Allport. Applicant respectfully requests reconsideration of this rejection.

Applicant's gratefully acknowledge an interview granted by the Examiner on July 8, 2008. Claim 1 has been amended to clarify Applicant's exemplary embodiment. With regard to claim 1, neither Gordon et al., Allport, nor their combination disclose or suggest,

... receiving instructions at an electronic program guide controller, the electronic program guide controller having at least two time shift modes, the received instructions selecting one of the at least two time shift modes ...

The Examiner admits that Gordon fails to teach selecting one of the at least two time shift modes. (Office Action, page 3, lines 11-13).

Allport discloses a technique of moving an active cell around a grid. (Para. [0010]). That is, we believe the Examiner is interpreting this technique to be one time shift mode (i.e. program cell time shift mode). Allport also discloses a technique of using an underlying grid of equal sized cells to move a cursor around the grid, for example, in intervals of 30 minutes. (Paras. [0020]-[0021]). Allport discloses, however, that the technique of moving an active cell around a grid presents unpredictability problems. (Paras. [0012] to [0018]). Allport further discloses that the second time shift mode described at paras. [0020]-[0021] is needed to solve the unpredictability problems. That is, Allport "teaches away" from having a controller "configured in at least two time shift modes," and "selecting one of the at least two time shift modes," as recited in claim 1 and similarly in claims 6, 10 and 14. During the interview, however, the Examiner asserted that by using the second time shift mode, Allport pre-selects between the two time shift modes and therefore, our claim reads on the pre-selecting. In particular, it does not appear that reference A discloses or suggests "limitation x." (Then continue with normal response to rejection).The Examiner suggested these amendments to clarify the claim.

During the interview, the Examiner agreed that Allport did not disclose the selection of two time shift modes. The Examiner asserts, however, that Allport pre-selects between two

time shift modes. Allport discloses, in the background section, a technique of moving an active cell around a grid (first time shift mode) and a technique of using an underlying grid of equal sized cells to move a cursor around the grid (second time shift mode), for example, in intervals of 30 minutes. Allport also discloses that the first time shift mode, moving a cursor around a grid, is undesirable because it presents unpredictability problems and that the second time shift mode described at paras. [0020] and [0021] is needed to solve the unpredictability problems. That is, Allport teaches away from electronic program guide controller having at least two time shift modes and "selecting one of the at least two time shift modes," as recited in claim 1.

Because neither Gordon et al., Allport, nor their combination disclose or suggest the features of claim 1, claim 1 is not subject to rejection under 35 U.S.C. § 103(a) in view of Gordon et al. and Allport. Claims 2-5 and 21 depend from claim 1. Accordingly, claims 2-5 and 21 are also not subject to rejection under 35 U.S.C. § 103(a) in view of Gordon et al. and Allport.

With regard to claim 6, while it is not identical to claim 1, it includes features similar to those set forth above with regard to claim 1. Thus, claim 6 is also not subject to rejection for the same reasons as those set forth above with regard to claim 1. Claims 7-9 depend from claim 6. Accordingly, claims 7-9 are also not subject to rejection under 35 U.S.C. § 103(a) in view of Gordon et al. and Allport.

With regard to claim 10, while it is not identical to claim 1, it includes features similar to those set forth above with regard to claim 1. Thus, claim 10 is also not subject to rejection for the same reasons as those set forth above with regard to claim 1. Claims 11-13 and 22 depend from claim 10. Accordingly, claims 11-13 and 22 are also not subject to rejection under 35 U.S.C. § 103(a) in view of Gordon et al. and Allport.

With regard to claim 14, while it is not identical to claim 1, it includes features similar to those set forth above with regard to claim 1. Thus, claim 14 is also not subject to rejection for the same reasons as those set forth above with regard to claim 1. Claims 15-20 depend from claim 14. Accordingly, claims 15-20 are also not subject to rejection under 35 U.S.C. § 103(a) in view of Gordon et al. and Allport.

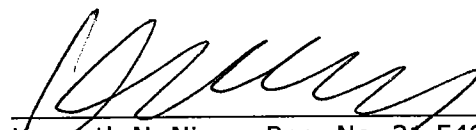
New claims 23 and 24 have been added. Basis for new claim 23 may be found at para. [0030] and basis for new claim 24 may be found at para. [0029]. No new matter has been added.

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In view of the foregoing amendments and remarks, Applicants request that the Examiner reconsider and withdraw the rejection of claims 1-22 and allow newly added claims 23 and 24.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kenneth N. Nigon', is written over a horizontal line.

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KNN/DFD/pb

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